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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,409	03/30/2001	Andrew Rodney Ferlitsch	SLA0360	3201

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EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/681,409	FERLITSCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Saeid Ebrahimi-dehKordy	2626	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **Response to Amendment**

1. Newly submitted amended claims 1-14 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: that the newly presented claim are claiming the different invention which is pulled form the distinct embodiments of the specification, note paragraph 0040 which represents new embodiment and discloses and introduces the usage of print driver which needs further search and consideration.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The amendment filed on 5/1/06 is presenting claims 1-14 which are drawn to a non-elected invention is non-responsive (MPEP § 821.03). The claims 1-14 are not readable on the elected invention because that the newly presented amended claims are claiming the different invention which is pulled form the distinct embodiments of the specification and needs further search and consideration.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al (U.S. patent 6,584,503)

**Regarding claim 17 and 20** Carney et al disclose: A computer readable medium comprising instructions for performing functions within a client print processor processor (note Fig.1 item 2 the print manager which acts as the print processor in this case) said instructions comprising the acts of: interpreting print task data (note column 4 lines 16-27 where the print manager 2 performs the queuing and managing the print jobs also note column 4 lines 60-67) and detecting the status of printing devices using a direct communication with said printing devices without receiving print information from a remote computer (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly).

**Regarding claim 18** Carney et al disclose: The computer readable medium of claim 17 further comprising instructions for the act of redirecting a print task from its original

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destination to at least one other destination (note Figs.2, 3a and 3b, column 6 lines 32-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al (Pub.: No 20020101604) in view of Carney et al (U.S. patent 6,584,503)

**Regarding claim 15** Mima et al disclose: A method for improving printing system capability and performance without addition of hardware or modification of application software (note Fig.5, page 4 paragraph 0046 where the network print monitor would improve the printing system capability without the addition of any software or hardware) said method comprising: removing a non-status-detecting client print processor (NPP) from a printing system (note Fig.5 page 4 paragraph 0046 lines 15-16 where, when the new printer is added to the network, the changes added to the printer information module 43 which acts as a print processor through the module 47 of Fig.5 a printer processor in this case is changed regarding the new printer being added to the system printers, page 4 paragraph 0046 lines 8-14) and replacing said NPP with a status-detecting client print processor (SDPP) (note Fig.5, paragraph 0046 lines 13-15 where a printer is removed and new printer is added to the system of printers and the printer processor or in this case the print information 43 is updated or in other words changed

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base on the new added and deleted printer). However Mima et al do not clearly disclose: wherein said SDPP can detect the status of the printing device by direct communication with said printing device. On the other hand Carney et al disclose: wherein said SDPP can detect the status of the printing device by direct communication with said printing device (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly, also note column 5 lines 1-13 where the print manager 2 would directly contacts the printers to get their status, IP addresses and other information) Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al's invention according to the teaching of Carney et al , Carney et al teach the way the communication would be established by using the ping method to get the status of the printers in the network.

**Regarding claim16** Mima et al disclose: The method of claim 15 wherein said SDPP is also cluster enabling (note page 4 paragraph 0042 lines 1-15 where the jobs are split between printers to be printed by the aid of network monitor17 including print information 43 of Fig.5).

**Regarding claim 21** Mima et al disclose: A method of printing using a status detecting print processor, said method comprising: selecting a preferred printer group (note page 5 paragraph 0053 where the group of printers which could be printing color or the high speeding printers would be selected) modifying said print task to enable cluster printing

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thereby creating a plurality of modified print tasks (note Fig.2 item 15a the document monitor or in this case print processor which splits the print job to plurality of print jobs, page 4 paragraph 0042 lines 1-14) detecting from said print processor the status of a plurality of printing devices comprising said preferred printer group; without receiving printer information from a server (note page 4 paragraph 0042 lines 2-4 where the document monitor is queries the printer system as to the status of the printers without assistance from any server) directing said modified print tasks to said preferred printer group when all of the printers within said preferred printer group are available (note page 5 paragraph 0052 where the modified print task in terms of color or fastness are assigned to the specific group of printers available to print) and forming a second group of printers comprising the available printers within said preferred group and other available printers and sending said modified tasks to said second group when said second group comprises a sufficient number of printers to print said modified print tasks (note page 5 paragraph 0055 where the preferred printers are specified to carry the fast printing and color printing within the group of printers). However Mima et al does not disclose: through direct communication between said print processor and said printing devices without receiving printer information from a remote computer. On the other hand Carney et al disclose: through direct communication between said print processor and said printing devices without receiving printer information from a remote computer. On the other hand Carney et al disclose (note Fig.1 items 2 the print manager, the equivalent of print processor in this case which communicates in this case with the printer 4 directly without any connection to the computer, column 5 lines 2-13 and

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column 5 lines 37-46 which the print manager uses the Ping or ICMP to connect to the printers in the network directly also note column 5 lines 1-13 where the print manager 2 would directly contacts the printers to get their status, IP addresses and other information) Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al's invention according to the teaching of Carney et al , Carney et al teach the way the communication data could be sent through the system without connecting to the remote printer.

**Regarding claim 22** Mima et al disclose: The method of claim 21 further comprising selecting a group of backup printers from which said other available printers may be chosen (note page 5 paragraph 0053 lines 12-16 where the set of printers are selected to print the higher quality then the predetermined printers could).

**Regarding claim 23** Mima et al disclose: The method of claim 21 further comprising reconfiguring said modified print tasks to require fewer printers when a sufficient number of available printers cannot be found (note page 5 paragraph 0055,0056 and 0057 where the page calculation is done to make the printing more efficient and therefore less needs of printers)

**Regarding claim 24** Mima et al disclose: The method of claim 21 further comprising forming a third group of printers comprising any available printers from said preferred group, any other available printers and any busy printers and directing said modified print tasks to said third group (note page 5 paragraph 0053 where different groups of printers are set to print plurality of combination of pages for example the color printing could be sent to the different group of printers).



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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al (Pub.No.: US 20020101604) in view of Carney et al (U.S. patent 6,584,503) and further in view of Yacoub (U.S. patent 6,552,813).

**Regarding claim 25** neither Mima et al nor Carney et al disclose: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period. On the other hand Yacoub discloses: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period (please note column 11 lines 61-67 and column 12 lines 1-3). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al and Carney et al's invention according to the teaching of Yacoub, where Yacoub in the same filed of endeavor teaches the way the print jobs are being sent to the ready printer to alleviate the wait time for the busy printers.

**Regarding claim 26** Yacoub discloses: The method of claim 21 further comprising activating a user prompt to solicit user input (please note column 11 lines 28-67 and column 12 lines 1-3).

### **Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Contact Information**

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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**Or faxed to:**

(571) 273-8300, (for **formal** communications; please mark  
"EXPEDITED PROCEDURE")


**Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Knox building on 501 Dulany  
Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2526  
August 3, 2006



KING Y. POON  
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